

103^D CONGRESS
2^D SESSION

S. 2292

To amend the Watershed Protection and Flood Prevention Act to establish a Waterways Restoration Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18 (legislative day, JULY 11), 1994

Mr. HATFIELD introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Watershed Protection and Flood Prevention Act to establish a Waterways Restoration Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Waterways Restoration
5 Act of 1994”.

6 **SEC. 2. FINDINGS AND POLICY.**

7 (a) FINDINGS.—Congress finds that—

8 (1) restoring degraded streams, rivers, wet-
9 lands, and other waterways to their natural state is
10 a cost effective and environmentally sensitive means

1 to control flooding, excessive erosion, sedimentation,
2 and nonpoint pollution, including stormwater runoff;

3 (2) protecting and restoring watersheds pro-
4 vides critical ecological benefits by restoring and
5 maintaining biodiversity, providing fish and wildlife
6 habitat, filtering pollutants, and performing other
7 important ecological functions;

8 (3) waterway restoration and protection
9 projects can provide important economic benefits by
10 rejuvenating waterfront areas, providing recreational
11 opportunities, and creating community service jobs
12 and job training opportunities in environmental res-
13 toration for disadvantaged youth, displaced resource
14 harvesters, and other unemployed residents; and

15 (4) restoring waterways helps to increase the
16 fishing potential of waterways and restore dimin-
17 ished fisheries, which are important to local and re-
18 gional cultures and economies and to low-income and
19 ethnic cultural groups who rely heavily on fish as a
20 food source.

21 (b) POLICY.—Congress declares it is in the national
22 interest to—

23 (1) protect and restore the chemical, biological,
24 and physical components of streams and rivers and
25 associated wetland systems in order to restore the

1 biological and physical structures, diversity, func-
2 tions, and dynamics of the stream and wetland eco-
3 logical systems;

4 (2) replace deteriorating stormwater structural
5 infrastructures and physical waterway alterations
6 that are environmentally destructive with cost effec-
7 tive, low maintenance, and environmentally sensitive
8 projects;

9 (3) promote the use of nonstructural means to
10 manage and convey streamflow, stormwater, and
11 flood waters;

12 (4) increase the involvement of the public and
13 youth conservation and service corps in the monitor-
14 ing, inventorying, and restoration of watersheds in
15 order to improve public education, prevent pollution,
16 and develop coordinated citizen and governmental
17 partnerships to restore damaged waterways; and

18 (5) benefit business districts, local economies,
19 and neighborhoods through the restoration of water-
20 ways.

21 **SEC. 3. WORKS OF IMPROVEMENT DEFINED.**

22 Section 2 of the Watershed Protection and Flood
23 Prevention Act (16 U.S.C. 1002) is amended by striking
24 the following sentence: “Each project must contain bene-
25 fits directly related to agriculture, including rural commu-

1 nities, that account for at least 20 percent of the total
2 benefits of the project.”.

3 **SEC. 4. WATERWAYS RESTORATION PROGRAM.**

4 The Watershed Protection and Flood Prevention Act
5 (16 U.S.C. 1001 et seq.) is amended by adding at the end
6 the following new section:

7 **“SEC. 14. WATERWAYS RESTORATION PROGRAM.**

8 “(a) DEFINITIONS.—As used in this section:

9 “(1) BIOTECHNICAL SLOPE PROTECTION.—The
10 term ‘biotechnical slope protection’ means the use of
11 live and dead plant material to repair and fortify a
12 watershed slope, roadcut, stream bank, or other site
13 that is vulnerable to excessive erosion, using such
14 systems as brush piling, brush layering, brush mat-
15 ting, fascines, joint plantings, and wood cribwalls.

16 “(2) CHANNELIZATION.—The term ‘channeliza-
17 tion’ means removing the meanders and vegetation
18 from a river or stream for purposes of accelerating
19 storm flow velocity, filling habitat to accommodate
20 land development and existing structures, or stabiliz-
21 ing a bank with concrete or riprap.

22 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
23 tity’ means—

24 “(A) any tribal or local government, flood
25 control district, water district, conservation dis-

1 trict (as defined in section 1201(a)(2) of the
2 Food Security Act of 1985 (16 U.S.C.
3 3801(a)(2)), agricultural extension 4-H pro-
4 gram, nonprofit organization, or watershed
5 council; or

6 “(B) any unincorporated neighborhood or-
7 ganization, watershed council, or small citizen
8 nongovernmental or nonprofessional organiza-
9 tion for which an incorporated nonprofit organi-
10 zation acts as a fiscal agent.

11 “(4) FISCAL AGENT.—The term ‘fiscal agent’
12 means an incorporated nonprofit organization that—

13 “(A) acts as a legal entity that is author-
14 ized to accept government or private funds and
15 pass them onto an unincorporated community,
16 cultural, or neighborhood organization; and

17 “(B) has entered into a written agreement
18 with such an unincorporated organization that
19 specifies the funding, program, and working ar-
20 rangements for carrying out a project under the
21 program.

22 “(5) NONPROFIT ORGANIZATION.—The term
23 ‘nonprofit organization’ means any organization with
24 a tax exempt status under section 501(c)(3) of the
25 Internal Revenue Code of 1986.

1 “(6) PROGRAM.—The term ‘program’ means
2 the Waterways Restoration Program established by
3 the Secretary under subsection (b).

4 “(7) SECRETARY.—The term ‘Secretary’ means
5 the Secretary of Agriculture, acting through the
6 Chief of the Soil Conservation Service.

7 “(8) STREAM CHANNEL QUASI-EQUILIBRIUM.—
8 The term ‘stream channel quasi-equilibrium’ means
9 restoring channel geometrics, meanders, and slopes
10 so that channel dimensions are appropriately sized
11 to the watershed and the slope of the watershed,
12 bankfull discharges, and sediment sizes and trans-
13 port rates for the purpose of correcting excessive
14 channel erosion and deposition.

15 “(9) WATERSHED COUNCIL.—The term ‘water-
16 shed council’ means a representative group of local
17 watershed residents (including the private, public,
18 government, and nonprofit sectors) organized to de-
19 velop and carry out a consensus watershed restora-
20 tion plan that includes restoration, acquisition, and
21 other activities.

22 “(10) WATERWAY.—The term ‘waterway’
23 means any natural, degraded, seasonal, or created
24 wetland on private or public land, including a river,
25 stream, riparian area, marsh, pond, bog, mudflat,

1 lake, or estuary. The term includes any natural or
2 humanmade watercourse on public or private land
3 that is culverted, channelized, or vegetatively
4 cleared, including a canal, irrigation ditch, drainage
5 way, or navigation, industrial, flood control, or water
6 supply channel.

7 “(11) YOUTH CONSERVATION AND SERVICE
8 CORPS.—The term ‘youth conservation and service
9 corps program’ means a full-time, year-round youth
10 corps program or a full-time summer youth corps
11 program described in section 122(a)(2) of the Na-
12 tional and Community Service Act of 1990 (42
13 U.S.C. 12572(a)(2)).

14 “(b) ESTABLISHMENT.—The Secretary, acting
15 through the Chief of the Soil Conservation Service, shall
16 establish and carry out a Waterways Restoration Program
17 in accordance with this section. Under the program, the
18 Secretary shall provide technical assistance and grants, on
19 a competitive basis, to eligible entities to assist the entities
20 in carrying out waterway restoration projects.

21 “(c) PROJECT ELIGIBILITY.—

22 “(1) PROJECT OBJECTIVES.—A project shall be
23 eligible for assistance under the program if the
24 project is designed to achieve ecological restoration

1 or protection and 1 or more of the following objec-
2 tives:

3 “(A) Flood damage reduction.

4 “(B) Erosion control.

5 “(C) Stormwater management.

6 “(D) Water quality enhancement.

7 “(2) LOCATION OF PROJECTS.—A project may
8 be carried out under the program on Federal lands
9 or on State or private lands in any case in which the
10 State or the private land owner is a sponsor or co-
11 sponsor of the project.

12 “(3) PROJECT DESCRIPTIONS.—A project eligi-
13 ble for assistance under the program shall include a
14 project established for any of the following purposes:

15 “(A) Restoration and monitoring of de-
16 graded waterways, including revegetation, res-
17 toration of biological communities, and changes
18 in land management practices.

19 “(B) Reestablishment of stream channel
20 quasi-equilibrium.

21 “(C) Restoration or establishment of wet-
22 land and riparian environments as part of a
23 multiobjective stormwater management system
24 in which the restored or established areas pro-
25 vide stormwater storage, detention, and reten-

1 tion, nutrient filtering, wildlife habitat, and in-
2 creased biological diversity.

3 “(D) Reduction of runoff.

4 “(E) Stream bank restoration using the
5 principles of biotechnical slope protection.

6 “(F) Creation and acquisition of
7 multiobjective floodplain riparian zones, includ-
8 ing removal of natural or humanmade levees,
9 for floodwater and sediment storage, wildlife
10 habitat, and recreation.

11 “(G) Removal of culverts and storm drains
12 to establish natural environmental conditions.

13 “(H) Organization of local watershed coun-
14 cils in conjunction with the implementation of
15 on-the-ground action education or restoration
16 projects.

17 “(I) Training of participants, including
18 youth conservation and service corps program
19 participants, in restoration techniques in con-
20 junction with the implementation of on-the-
21 ground action education or restoration projects.

22 “(J) Development of waterway restoration
23 or watershed plans that are intended for use
24 within the grant agreement period to carry out
25 specific restoration projects.

1 “(K) Restoration of any stream channel to
2 reestablish a meandering, bankfull flow channel,
3 riparian vegetation, and floodplain in order—

4 “(i) to restore the functions and dy-
5 namics of a natural stream system to a
6 previously channelized waterway; or

7 “(ii) to convey larger flood flows as an
8 alternative to a channelization project.

9 “(L) Release of reservoir flows to restore
10 riparian and instream habitat.

11 “(M) Carrying out watershed or wetland
12 programs that have undergone planning pursu-
13 ant to other Federal, State, tribal, or local pro-
14 grams and laws and have received necessary en-
15 vironmental review and permits.

16 “(N) Carrying out early action projects
17 that a watershed council wants to carry out
18 prior to the completion of the required final
19 consensus watershed plan of the council, if the
20 council determines that the project meets the
21 watershed management objectives of the council
22 and is useful in fostering citizen involvement in
23 the planning process.

24 “(4) PRIORITY PROJECTS.—Projects that have
25 any of the following attributes shall be given priority

1 by interdisciplinary teams established under sub-
2 section (g) in determining funding priorities:

3 “(A) Projects located in or directly benefit-
4 ing low-income or economically depressed areas
5 adversely impacted by poor watershed manage-
6 ment.

7 “(B) Projects that will restore or create
8 businesses or occupations in the project area.

9 “(C) Projects providing opportunities for
10 participants in Federal, State, tribal, and local
11 youth conservation and service corps and pro-
12 vide training in environmental restoration, mon-
13 itoring, and inventory work.

14 “(D) Projects serving communities com-
15 posed of minorities or Native Americans, in-
16 cluding the development of outreach programs
17 to facilitate the participation by the groups in
18 the program.

19 “(E) Projects identified as regional prior-
20 ities that have been planned within a regional
21 context and coordinated with Federal, State,
22 tribal, and local agencies.

23 “(F) Projects that will restore wildlife or
24 fisheries of commercial, recreational, subsist-
25 ence, or scientific concern.

1 “(G) Projects training and employing fish-
2 ers and other resource harvesters whose liveli-
3 hoods have been adversely impacted by habitat
4 degradation.

5 “(H) Projects providing significant im-
6 provements in ecological values and functions in
7 the project area.

8 “(I) Projects previously approved under
9 this Act that meet or are redesigned to meet
10 the requirements of this section.

11 “(5) COST-BENEFIT ANALYSIS.—A project shall
12 be eligible for assistance under the program if an
13 interdisciplinary team established under subsection
14 (g) determines that the local social, economic, eco-
15 logical, and community benefits of the project based
16 on local needs, problems, and conditions equal or ex-
17 ceed the financial and social costs of the project.

18 “(6) FLOOD DAMAGE REDUCTION.—A project
19 for which 1 of the purposes is to reduce flood dam-
20 ages shall be designed for the level of risk selected
21 by the local sponsor and cosponsor of the project,
22 taking into account local needs for the reduction of
23 flood risks, the ability of the sponsor and cosponsor
24 to pay project costs, and community objectives to
25 protect or restore environmental quality.

1 “(7) INELIGIBLE PROJECTS.—A project involv-
2 ing channelization, stream bank stabilization using a
3 method other than a biotechnical slope protection
4 method, or construction of a reservoir shall not be
5 eligible for assistance under the program.

6 “(d) PROGRAM ADMINISTRATION.—

7 “(1) DESIGNATION OF PROGRAM ADMINISTRA-
8 TORS.—The Secretary shall designate a program ad-
9 ministrator for each State who shall be responsible
10 for administering the program in the State. Except
11 as provided by paragraph (2), the Secretary shall
12 designate the State Conservationist of the Soil Con-
13 servation Service of a State as the program adminis-
14 trator of the State.

15 “(2) APPROVAL OF STATE AGENCIES.—

16 “(A) IN GENERAL.—A State may submit
17 to the Secretary an application for designation
18 of a State agency to serve as the program ad-
19 ministrator of the State.

20 “(B) CRITERIA.—The Secretary shall ap-
21 prove an application of a State submitted under
22 subparagraph (A) if the application dem-
23 onstrates—

1 “(i) the ability of the State agency to
2 solicit, select, and fund projects within a 1-
3 year grant administration cycle;

4 “(ii) the responsiveness of the State
5 agency to the administrative needs and
6 limitations of small nonprofit organizations
7 and low-income or minority communities;

8 “(iii) the success of the State agency
9 in carrying out State or local programs
10 with objectives similar to the objectives of
11 this section; and

12 “(iv) the ability of the State agency to
13 jointly plan and carry out with Indian
14 tribes programs with objectives similar to
15 this section.

16 “(C) REDESIGNATION.—If the Secretary
17 determines, after a public hearing, that a State
18 agency with an approved application under this
19 paragraph no longer meets the criteria set forth
20 in subparagraph (B), the Secretary shall so no-
21 tify the State and, if appropriate corrective ac-
22 tion has not been taken within a reasonable
23 time, withdraw the designation of the State
24 agency as the program administrator of the
25 State and designate the State Conservationist

1 of the Soil Conservation Service of the State as
2 the program administrator of the State.

3 “(3) TECHNICAL ASSISTANCE.—The State Con-
4 servationist of a State shall continue to carry out
5 the technical assistance portion of the program in
6 the State even if the State receives approval of an
7 application submitted under paragraph (2)(A).

8 “(e) GRANT APPLICATION CYCLE.—

9 “(1) IN GENERAL.—A grant under the program
10 shall be awarded on an annual basis.

11 “(2) GRANT AGREEMENTS.—The program ad-
12 ministrator of a State may enter into a grant agree-
13 ment with an eligible entity to permit the entity to
14 phase in a project under the program for a period
15 of not to exceed 3 years, except that the project
16 shall remain subject to reevaluation each year as
17 part of the annual funding cycle.

18 “(f) SELECTION OF PROJECTS.—

19 “(1) APPLICATIONS.—To receive assistance to
20 carry out a project under the program in a State,
21 an eligible entity shall submit to the program admin-
22 istrator of the State an application that is in such
23 form and contains such information as the Secretary
24 may by regulation require.

1 “(2) REVIEW OF APPLICATIONS BY INTER-
2 DISCIPLINARY TEAMS.—

3 “(A) TRANSMITTAL.—Each application for
4 assistance under the program received by the
5 program administrator of a State shall be
6 transmitted to the interdisciplinary team of the
7 State established pursuant to subsection (g).

8 “(B) REVIEW.—On an annual basis, the
9 interdisciplinary team of each State shall—

10 “(i) review applications transmitted to
11 the team pursuant to subparagraph (A);

12 “(ii) determine the eligibility of pro-
13 posed projects for funding under the
14 program;

15 “(iii) make recommendations concern-
16 ing funding priorities for the eligible
17 projects; and

18 “(iv) transmit the findings and rec-
19 ommendations of the team to the program
20 administrator of the State.

21 “(C) PROJECT OPPOSITION BY FEDERAL
22 REPRESENTATIVES.—If 2 or more of the mem-
23 bers of an interdisciplinary team of a State ap-
24 pointed pursuant to clause (ii), (iii), or (iv) of
25 subsection (g)(2)(B) are opposed to a project

1 that is supported by a majority of the members
2 of the interdisciplinary team, a determination
3 on whether the project is eligible to receive as-
4 sistance under the program shall be made by
5 the Chief of the Soil Conservation Service. In
6 making a determination under this subpara-
7 graph, the Chief shall consult with the Adminis-
8 trator of the Environmental Protection Agency,
9 the Director of the Fish and Wildlife Service,
10 and, in a coastal area, the Assistant Adminis-
11 trator of the National Marine Fisheries Service.
12 The Secretary shall conduct such monitoring
13 activities as are necessary to ensure the success
14 and effectiveness of project determinations
15 made pursuant to this subparagraph.

16 “(3) FINAL SELECTION.—The final determina-
17 tion on whether to provide assistance for a project
18 under the program shall be made by the program
19 administrator of the State and shall be based on the
20 recommendations of the interdisciplinary team of the
21 State transmitted pursuant to paragraph (2)(B).

22 “(g) APPOINTMENT OF INTERDISCIPLINARY
23 TEAMS.—

24 “(1) IN GENERAL.—There shall be established
25 in each State an interdisciplinary team of specialists

1 to assist in reviewing project applications under the
2 program.

3 “(2) APPOINTMENT.—The interdisciplinary
4 team of a State shall be composed of the following
5 members:

6 “(A) APPOINTEES OF THE PROGRAM AD-
7 MINISTRATOR.—Individuals to be appointed on
8 an annual basis by the program administrator
9 of the State, including at least 1 representative
10 of each of the following specialties:

11 “(i) Hydrologists.

12 “(ii) Plant ecologists.

13 “(iii) Aquatic biologists.

14 “(iv) Biotechnical slope protection
15 experts.

16 “(v) Landscape architect or planners.

17 “(vi) Members of the agricultural
18 community.

19 “(vii) Representatives of the fish and
20 wildlife agency of the State.

21 “(viii) Representatives of the soil and
22 water conservation agency of the State.

23 “(B) REPRESENTATIVES OF FEDERAL
24 AGENCIES.—One representative of each of the
25 following Federal agencies to be appointed on

1 an annual basis by the appropriate regional or
2 State director of the agency:

3 “(i) The Soil Conservation Service.

4 “(ii) The Environmental Protection
5 Agency.

6 “(iii) The National Marine Fisheries
7 Service (in a coastal State).

8 “(iv) The United States Fish and
9 Wildlife Service.

10 “(3) AFFILIATION OF MEMBERS.—A member
11 appointed pursuant to paragraph (2)(A) may be an
12 employee of a Federal, State, tribal, or local agency
13 or nonprofit organization.

14 “(4) FEDERAL ADVISORY COMMITTEE ACT.—
15 The Federal Advisory Committee Act (5 U.S.C. App.
16 2) shall not apply to an interdisciplinary team estab-
17 lished under this subsection.

18 “(h) CONDITIONS FOR RECEIVING ASSISTANCE.—

19 “(1) PROJECT SPONSORS AND COSPONSORS.—

20 “(A) REQUIREMENT.—To be eligible for
21 assistance under the program, a project shall
22 have as project participants both a citizens or-
23 ganization and a State, regional, tribal, or local
24 governing body, agency, or district.

1 “(B) PROJECT SPONSOR.—One of the
2 project participants described in subparagraph
3 (A) shall be designated as the project sponsor.
4 The project sponsor shall act as the principal
5 party making the grant application and have
6 the primary responsibility for executing the
7 grant agreement, submitting invoices, and re-
8 ceiving reimbursements.

9 “(C) PROJECT COSPONSOR.—The other
10 project participant described in subparagraph
11 (A) shall be designated as the project cospon-
12 sor. The project cosponsor shall, jointly with
13 the project sponsor, support and actively par-
14 ticipate in the project. There may be more than
15 1 cosponsor for any project.

16 “(2) USE OF GRANT FUNDS.—Grant funds
17 made available under the program shall not supplant
18 other available funds for waterway restoration
19 projects, including developer fees, mitigation, or
20 compensation required as a permit condition or as a
21 result of a violation of the Federal Water Pollution
22 Control Act (33 U.S.C. 1251 et seq.) or any other
23 law.

1 “(3) MAINTENANCE REQUIREMENT.—At least 1
2 project sponsor or cosponsor shall be designated as
3 responsible for ongoing maintenance of the project.

4 “(i) NON-FEDERAL SHARE.—

5 “(1) IN GENERAL.—Except as provided by
6 paragraph (2), the non-Federal share of the cost of
7 a project under this section, including structural and
8 nonstructural features, shall be 25 percent.

9 “(2) ECONOMICALLY DEPRESSED COMMU-
10 NITIES.—The Secretary may waive all or part of the
11 non-Federal share of the cost of any project that is
12 to be carried out under the program in an economi-
13 cally depressed community.

14 “(3) IN-KIND CONTRIBUTIONS.—Non-Federal
15 interests may meet any portion of the non-Federal
16 share of the cost of a project under this section
17 through in-kind contributions, including contribu-
18 tions of labor, involvement of youth service and con-
19 servation corps program participants, materials,
20 equipment, consulting services, and land.

21 “(4) REGULATIONS.—Not later than 1 year
22 after the date of enactment of this section, the Sec-
23 retary shall issue regulations to establish procedures
24 for granting waivers under paragraph (2).

1 “(j) LIMITATIONS ON COSTS OF ADMINISTRATION
2 AND TECHNICAL ASSISTANCE.—Of the total amount made
3 available for any fiscal year to carry out this section—

4 “(1) not to exceed 15 percent may be used for
5 administrative expenses; and

6 “(2) not to exceed 25 percent may be used for
7 providing technical assistance.

8 “(k) CONSULTATION WITH FEDERAL AGENCIES.—In
9 establishing and carrying out the program, the Secretary
10 shall consult with the heads of appropriate Federal agen-
11 cies, including—

12 “(1) the Administrator of the Environmental
13 Protection Agency;

14 “(2) the Assistant Secretary of the Army for
15 Civil Works;

16 “(3) the Director of the United States Fish and
17 Wildlife Service;

18 “(4) the Commissioner of the Bureau of Rec-
19 lamation;

20 “(5) the Director of the Geological Survey;

21 “(6) the Chief of the Forest Service; and

22 “(7) the Assistant Administrator for the Na-
23 tional Marine Fisheries Service.

24 “(l) CITIZENS OVERSIGHT COMMITTEE.—

1 “(1) ESTABLISHMENT.—The Governor of each
2 State shall establish a citizens oversight committee
3 to evaluate management of the program in the
4 State. The membership of a citizens oversight com-
5 mittee shall represent a diversity of regions, cul-
6 tures, and watershed management interests.

7 “(2) PROGRAM COMPONENTS.—A citizens over-
8 sight committee established under paragraph (1)
9 shall evaluate the following program components:

10 “(A) Program outreach, accessibility, and
11 service to low-income and minority ethnic com-
12 munities and displaced resource harvesters.

13 “(B) The manageability of grant applica-
14 tion procedures, contracting transactions, and
15 invoicing for disbursement for small nonprofit
16 organizations.

17 “(C) The success of the program in sup-
18 porting the range of the program objectives, in-
19 cluding evaluation of the environmental impacts
20 of the program as carried out.

21 “(D) The number of jobs created for iden-
22 tified target groups.

23 “(E) The diversity of job skills fostered for
24 long-term watershed related employment.

1 “(F) The extent of involvement of youth
2 conservation and service corps programs.

3 “(3) ANNUAL REPORT.—The program adminis-
4 trator of each State shall issue an annual report
5 summarizing the program evaluation under para-
6 graph (1). The report shall be signed by each mem-
7 ber of the citizens oversight committee of the State
8 and shall be submitted to the Secretary.

9 “(4) FEDERAL ADVISORY COMMITTEE ACT.—
10 The Federal Advisory Committee Act (5 U.S.C. App.
11 2) shall not apply to a citizens oversight committee
12 established under this subsection.

13 “(m) FUNDING.—

14 “(1) MINIMUM AMOUNTS.—Not less than 20
15 percent of the total amount made available to carry
16 out this Act for any fiscal year beginning after Sep-
17 tember 30, 1994, shall be used by the Secretary to
18 carry out this section.

19 “(2) TRANSFERRED FUNDS.—The Secretary
20 may accept transfers of funds from other Federal
21 agencies to carry out this section.

22 “(3) APPLICABILITY OF REQUIREMENTS.—
23 Funds made available to carry out this section, and
24 financial assistance provided with the funds, shall

1 not be subject to any requirements of this Act other
2 than the requirements of this section.”.

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